



## OFFICE OF THE PROCUREMENT EXECUTIVE

GRANTS POLICY DIRECTIVE NUMBER 3 Revision 3

SUBJECT: Grant Management Forms

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### 1. Scope:

This Directive applies to all Department Federal Assistance Awards issued by bureaus/posts.

### 2. Authority:

1 FAM 212.2 assigns the Office of the Procurement Executive with the authority to prescribe policies, regulations, and procedures for the award and administration of assistance agreements through the Department of State.

### 3. Background and Purpose:

Forms are an integral part of the federal assistance awarding process. Some of these forms are used during and prior to a grant application while others are used during the execution of a grant to report back to the funding agency.

This policy reflects the Department's current business practice set forth for forms to be used with Department of State's (DOS) grants, cooperative agreement and/or amendment terms and conditions and Notice of Award. Effective immediately, bureaus and posts should use the standard and terms and conditions and Notice of Award formats/templates and forms unique to each assistance award instrument.

This guidance outlines the forms/components to be used, accordingly, in the life cycle of the award in support of the Department of State's federal assistance programs.

### 4. Policy:

**The forms listed in this policy directive will serve as the only forms approved for use with all DOS federal assistance awards, which includes domestic and overseas agreements. With the exception of suggested formats, the use of non-approved OMB forms violates the Paperwork Reduction Act.**

### 5. Procedures:

The following forms/components, listed should be used accordingly, by the life cycle of the award. OMB Standard Forms will indicate "SF", and Department of State forms will indicate "DS" in the table. These standard forms/components

along with instructions are used to replace, standardize and simplify multiple agency and program-related forms. These standard forms are used for internal DOS grant-making bureaus/posts to support Department-specific federal assistance awards.

<b><u>TABLE OF FORMS/COMPONENTS</u></b>		
<b>TOPIC</b>	<b>FORM TO USE</b>	<b>APPLICABILITY</b>
<b><u>APPLICATION FORMS</u></b>		
Applicant (Organization)	SF-424	Mandatory use for both domestic and overseas applicants.
Budget Information (Non-Construction Program)	SF-424A	Mandatory use for both domestic and overseas applicants.
Assurances (Non-Construction Program)	SF-424B	Mandatory use for both domestic and overseas applicants.
Budget Information (Construction Program)	SF-424C	Mandatory use for both domestic and overseas applicants.
Assurances (Construction Program)	SF-424D	Mandatory use for both domestic and overseas applicants.
Applicant (Individual)	SF-424I	Mandatory use for individual applicants.
Applicant (Research & Research-Related Programs)	SF-424 R&R	Mandatory use for both domestic and overseas applicants under Research & Research Related Programs.
<b><u>PRE-AWARD FORMS</u></b>		
Disclosure of Lobbying Activities	SF-LLL	Mandatory submission for domestic recipients, of federal assistance awards \$100,000 and over, used to support lobbying activities.
Federal Assistance File Form	DS-4012	Mandatory use for both domestic and overseas Grants Officers.

<b><u>NOTICE OF AWARD FORMS &amp; COMPONENTS</u></b>		
Notice of Award Cover Sheet	DS-1909 Component 1 of the Notice of Award format	Mandatory use for both domestic and overseas Grants Officers when awarding federal assistance.
Award Specifics	Component 2 of the Notice of Award.	Mandatory use for both domestic and overseas Grants Officers when awarding federal assistance. Please refer to Grants Policy Directive 31, for definitions and use of this component.
Bureau/Program Specifics	Component 3 (Domestic) of the Notice of Award.	Optional use for Grants Officers when awarding Domestic federal assistance. Please refer to Grants Policy Directive 31, for definitions and use of this component.
Post/Program Specifics	Component 3 (Overseas of the Notice of Award.	Optional for Grants Officers when awarding Overseas federal assistance. Please refer to Grants Policy Directive 31, for definitions and use of this component.
<b><u>POST AWARD FORMS</u></b>		
Amendment Award Cover Sheet	DS-1909A	Mandatory use for both domestic and overseas Grants Officers when issuing an amendment.
Financial Status Report	*SF-269 (Long Form)	(No longer effective as of 10/01/09)
Financial Status Report	*SF-269A (Short Form)	(No longer effective as of 10/01/09)
Request for Advance and Reimbursement	SF-270	Mandatory submission for both domestic and overseas recipients; who are not on the Payment Management System. (PMS)
Outlay Report and Request for Reimbursement for Construction Programs	SF-271	Mandatory submission for both domestic and overseas recipients of construction program funds.
Federal Cash Transaction Report	*SF-272	(No longer effective as of 10/01/09)

Direct Deposit Sign-up Form	SF-1199A	Required form to establish a recipient's organization's account in the Payment Management System (PMS).
Performance Progress Report	SF-PPR	The Performance Progress Report <b>cover sheet (page 1 of 1)</b> is mandatory use for Domestic recipients with federal assistance awards that exceed \$100,000. The Department recommends that the PPR cover sheet be also used for awards up to \$100,000.
Data Collection Form for Single Audits	SF-SAC	Optional
IRS-1099 G	Form 1099 G	Mandatory form for all individuals that who have been paid \$600 or more in a calendar year, by way of a grant or cooperative agreement.
ACH Vendor/Miscellaneous Payment Form	SF-3881	Required to establish a recipient/vendor in the Department's financial system (GFMS – Global Financial Management System).
Certification and Assurances	As incorporated in the T&Cs.	Mandatory use for all domestic applicants.
Federal Financial Report (FFR)	SF-425	Mandatory use for domestic and overseas recipients when reporting Cash Management and Financial Status. <b>Effective as of 10/01/09</b>

## 6. Definitions:

As described in the Office of Management and Budget (OMB) circulars, Federal Assistance is defined as non-Federal entities that receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance, but does not include amounts received as reimbursement for services rendered to individuals as described in A-133.

## SF 424 – Application for Federal Assistance - For Organizations

The *SF-424, Application for Federal Assistance (Organizations)* is a standard form used as a required face sheet for pre-applications and applications submitted, by applicants, to apply for Federal grants. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs. Used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

**Note: The SF-424 family for mandatory and short organizational applications may be used where appropriate.**

#### **SF 424 A – Budget Information - Non-Construction Programs**

The *SF-424A, Budget Information (Non-Construction Programs)* standard form is used to budget and request grant funds for non-construction programs. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity.

#### **SF 424 B – Assurances - Non-Construction Programs**

The *SF-424B, Assurances (Non-Construction Programs)* standard form is used to assure compliance with statutory requirements for non-construction grant programs. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

All applicants receiving grants not involving construction (which includes all

recipients of earmarked grants) must sign this form indicating their willingness to comply with a number of laws that are listed, applicable regulations, and other requirements. For example, applicants must agree to arrange for the conduct of any required audits in accordance with applicable accounting and auditing standards. Applicants must also indicate their willingness and capacity to complete the grant work within the applicable time frame. A number of applicable requirements for which an assurance is required involve, among other things, the applicant certifying that it has the appropriate accounting systems in place to ensure there is the appropriate accountability for the Federal funds, and that the applicant maintains the proper records that are capable of being audited. These are very important matters, and if the applicant has any concern or hesitancy about signing the assurances with regard to these or any other items, please contact our office, so that we can try to assist you. More details are provided on the form itself.

In addition to the assurances on SF-424B, applicants must attest to the quality and accuracy of all financial, programmatic, and evaluation data reported to the Department in the application as well as in the annual and/or final report. Please see the sections beginning on page 19 of this guidance for some helpful information regarding the administrative, fiscal and record keeping requirements of grantees and see the important information in the data quality section on page 20.

This form is designed so the applicant can comply with all Federal Assistance Assurances under Non-construction programs; including comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

Recipient must ensure that it will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of

1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

Recipient must ensure that it will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

Recipient must ensure that it will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds. Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

#### **SF 424 C – Budget Information - Construction Programs**

The *SF-424C, Budget Information (Construction Programs)* standard form is used to budget and request grant funds for construction grant programs. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

The form is to be used for the following types of applications: (1) "New" (means a new [previously unfunded] assistance award); (2) "Continuation" (means funding in a succeeding budget period which stemmed from a prior agreement to fund); and (3) "Revised" (means any changes in the Federal Government's financial obligations or contingent liability from an existing obligation). If there is no change in the award amount, there is no need to complete this form. Certain Federal agencies may require only an explanatory letter to effect minor (no cost) changes. If you have questions, please contact the Federal agency.

#### **SF 424 D – Assurances - Construction Programs**

The *SF-424D, Assurances – Construction Programs* standard form is used to assure compliance with statutory requirements for construction grant programs. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

The form is designed so the applicant can comply with all Federal Assistance Assurances under Construction programs;

Recipient must ensure that it will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Recipient must ensure that it will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

Recipient must ensure that it will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

Recipient must ensure that it will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681, 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

#### **SF 424 I – Application for Federal Assistance - For Individuals**

The *SF-424I, Application for Federal Assistance* form (including the continuation sheet) is required for use as a cover sheet for submission of pre-applications and applications and related information under discretionary programs for individuals. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency.



## **SF 424 R&R – Application for Federal Assistance - For Research & Research-Related Programs**

The *SF-424R&R, Application for Federal Assistance* form (including the continuation sheet) is required for use as a cover sheet for submission of pre-applications and applications and related information under Research & Research-Related programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency.

## **SF 424 R&R – Budget Information – Research & Research-Related Programs**

The *Budget Information (Research & Research-Related Programs)* standard form is used to budget and request grant funds for Research & Research-Related programs. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program.

## **SF-LLL – Disclosure of Lobbying Activities**

The *SF-LLL, Disclosure of Lobbying Activities* form shall be completed by the reporting entity, whether sub-awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

Each grantee shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed.

In addition to the certifications and assurances this form is mandatory for Domestic applicants who have made payment or agree to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action.

Section 319 of Public Law 101-121, codified at 31 U.S.C. Sec. 1352 prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. While non-Federal funds may be used for such activities, they not be included in your project budget, and their use must be disclosed to the awarding Federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.

### **SF-425 – Federal Financial Report (FFR)**

The Office of Management and Budget consolidated and replaced four existing financial reporting forms (SF-269, SF-269A, SF- 272, and SF-272A) with a single Federal Financial Report (FFR SF-425). The purpose of the FFR is to give recipients of grants and cooperative agreements a standard format for reporting the financial status of their grants and cooperative agreements. The FFR was developed as part of the implementation of the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106-107).

As soon as possible after October 1st, 2008, and no later than October 1st, 2009, each agency must transition from the SF-269, SF-269A, SF-272, and SF-272A to the FFR, by requiring recipients to use the FFR for all financial reports submitted after the date it makes the transition. In making the transition, an agency would incorporate the requirement to use the FFR into terms and conditions of new and ongoing grant and cooperative agreement awards, State plans, and/or program regulations that specify financial reporting requirements.

In coordination with the October 1, 2009 requirement for FFR use, on January 1, 2010, HHS will make the FFR available in PMS for agencies to use in obtaining recipient financial information formerly obtained from two reports: the PSC 272 Federal Cash Transactions Report and SF-269 Financial Status Report. HHS will continue to review and approve recipients' cash management portion of the FFR—similar to its current review and approval of PSC 272s. Agencies will continue to review and approve the financial status portion of the FFR similar to their review and approval of the SF-269s. The use of PMS can facilitate FFR financial status reporting processes by providing an electronic means to submit and certify the reports; make them available for agency review and approval; and serve as a depository for the financial status reports.

### **DOS Submission Instructions:**

**Non-PMS** – For recipients receiving payments through vendor claims or overseas financial centers, the SF-425 form is to be completed out and submitted to the Grant Officer.

**PMS** – For recipients receiving payments made through PMS, the FFR is to be prepared and submitted through PMS. The recipient must submit a certified copy of the submission to Grant Officers until such time that PMS can produce certified copies that can be obtained by Awarding Agencies in PMS.

### **DS 4012 – Federal Assistance File Form**

The use of the *DS-4012, Federal Assistance File Folder* form is mandatory for all Department of State Federal assistance actions. The DS-4012 shall be used for all Federal assistance actions (domestic and overseas) regardless of size, scope or cost.

The folder is designed to allow individual offices to retain flexibility in the way the Form DS-4012 is used. It is essentially a “cover sheet” or “checklist” of information which should be readily available for each Federal assistance award. For shorter awards, the relevant documentation may actually be filed inside the DS-4012 itself; for larger, ongoing awards, it may be attached to the front of the folder(s) to serve as a reference index. Refer to [GPD-23 - Federal Assistance File Folder - Form DS-4012](#) for detailed guidance on the use of the folder/form.

### **DS-1909: Notice of Award Coversheet**

The *DS-1909 Notice of Award Coversheet* is required for all Department federal assistance awards and is the official obligating document. *However, it does not stand alone as a Notice of Award to a recipient.* This form provides pertinent information about the award, such as the assistance award (grant/cooperative agreement) number, name of the recipient organization and its authorized representative(s), project title/description, statutory authority, amount of DOS funding authorized for obligation, recipient’s contribution, and the authorized award/project (start and end dates).

### **DS-1909A, Award Amendment Coversheet**

The *DS-1909A, Award Amendment Coversheet*, form is the amendment form to the “Federal Assistance Notice of Award” award coversheet form is required when amending federal assistance awards and is the official amendment document.

### **SF 269 (Long Form) – Financial Status Report \* use for Program Income**

The standard form (*SF*) 269 (*Long Form*), *Financial Status Report* is used by grantees to report their actual expenditures and program income for a budget period (after the end of the fiscal year).

Program income earned during the project period shall be retained by the recipient and, in accordance with the terms and conditions of the award, shall be used in

one or more of the following ways:

- 1) Added to funds committed to the project by the Department and recipient and used to further eligible project or program objectives.
- 2) Used to finance the non-Federal share of the project or program.
- 3) Deducted from the total project or program allowable cost in determining the net allowable costs on which the Federal share of costs is based.

Whenever practicable, the preference is to require all program income to be used as described in options (1) or (2). In the event that the Department does not specify in the terms and conditions of the award how program income is to be used, the deduction method outlined in (3) shall apply automatically to all projects or programs except research. For awards that support research, option (1) shall apply automatically unless the awarding agency indicates in the terms and conditions another alternative on the award or the recipient is subject to special award conditions.

The recipient will have no obligation to DOS regarding program income earned after the end of the award project period, unless specified otherwise in the Notice of Award.

#### **SF 269A (Short Form) – Financial Status Report**

The *SF-269A (Short Form), Financial Status Report* is used to monitor grantee expenditures in circumstances where grantees earn program income or contribute matching funds. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

#### **SF 270 – Request for Advance or Reimbursement**

This *SF-270, Request for Advance or Reimbursement* form is used to request funds for all non-construction grant programs when letters of credit or predetermined advance methods are not used. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

Foreign grantees and grantees under special circumstances who do not use the Payment Management System (PMS) are required to request funds by submitting a "Request for Advance or Reimbursement Form", (SF 270).

The purpose of this form is to prescribe the timing of advances and the procedures to be observed to assure that cash payments occur only when essential to meet the needs of a grantee for its actual disbursements.

Advances to a grantee shall be limited to the minimum amount needed and shall be timed to be in accordance with the actual, immediate cash requirements of the

grantee in carrying out the purpose of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to actual disbursements for direct program costs and the proportionate share of any allowable indirect costs.

### **SF 271 – Outlay Report and Request for Reimbursement for Construction Programs**

The *SF 271, Outlay Report and Request for Reimbursement for Construction Programs* form is used to request reimbursement for all construction programs. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

### **SF 272 – Federal Cash Transaction Report**

The *SF-272 & 272A, Federal Cash Transaction Report* forms are used to report disbursement information for each financial assistance agreement when funds are advanced to them through letters of credit or with direct Treasury check. The Federal awarding agencies and OMB use information reported on this form for general management of Federal assistance awards programs.

### **SF 1199A – Direct Deposit Sign-up Form**

The *SF 1199 A, Direct Deposit Sign-up* form is used to identify your bank routing information so your Federal paychecks can be deposited directly into your account. Having checks mailed to your personal address is no longer an option -- all employees must register for Direct Deposit.

### **SF PPR – Performance Progress Report**

The *Performance Progress Report (PPR)* is intended to be a common form and format that can replace or incorporate the needs of existing OMB-cleared performance progress reports. Completions of all the PPR reporting sections are not required. **At this time, the PPR coversheet is mandatory.** The government-wide performance progress reporting format used by Federal agencies is to collect performance information from recipients of Federal funds awarded under all Federal programs that exceed \$100,000 or more per project/grant period, excluding those that support research. The Department recommends that the PPR cover sheet be also used for awards up to \$100,000.

### **SF SAC – Data Collection Form for Single Audits**

The *SFSAC – Data Collection (Single Audits)* form is not to be used by commercial (for profit) or non-United States auditees. Commercial (for profit) and foreign organizations should see the Federal awarding agency contact for audit report submission instructions.

Note: This form dated XXXX should be used for audits covering fiscal periods

ending in 2008, 2009 and 2010. Submissions covering fiscal periods with end dates prior to January 1, 2008 must use one of the earlier versions of Form SF-SAC available on the Federal Audit Clearinghouse (FAC) Web site (<http://harvester.census.gov/fac/>). The form dated 5-2004 must be used for audits covering fiscal periods ending in 2004, 2005, 2006 or 2007. The form dated 3-20-2001 must be used for audits covering fiscal periods ending in 2001, 2002 or 2003.

### **IRS 1099G – Miscellaneous Form:**

All individual recipients subject to U.S. tax laws, including foreign nationals with “green cards”, who have been paid \$600 or more in a calendar year, by way of a grant or cooperative agreement must be provided with an *IRS Form 1099 MISC*. In order to issue the required tax form, the SSN is required. Therefore, as a standard practice it is required as part of the award process.

### **7. Certification and Assurances**

The applicant ensures that it will comply with all applicable Federal statutes and regulations in carrying out any project supported by a Department of State (DOS) grant or cooperative agreement by signing the series of SF- 424 application forms (including the SF-424I, and SF-424 R&R). In addition, the applicant agrees that is under a continuing obligation to comply with the standard terms and conditions of the grant agreement or cooperative agreement issued for its project with DOS. The applicant recognizes that Federal laws and regulations may be modified from time to time and those modifications may affect project implementation. Further, the applicant understands the Presidential Executive Orders and Federal directives, including Federal policies and program guidance may be issued concerning matters affecting the applicant or its project. In signing, the SF-424 application and/or grant agreement the applicant agrees that the most recent Federal laws, regulations, and directives will apply to the project.

**Each domestic applicant for Federal assistance** awarded by DOS must agree to the following certifications and assurances:

#### **Authorized Representative:**

This is a required field in SF 424 and must be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body’s authorization for you to sign this application as the official representative must be on file in the applicant’s office.

#### **Debarment and Suspension:**

You must comply with requirements regarding Debarment and Suspension in Subpart C of 2 CFR part 180, as adopted by the Arts Endowment in Title 2 CFR,

Chapter 32, Part 3254. There are circumstances under which we may receive information concerning your fitness to carry out a project and administer Federal funds--for instance:

Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, making false statements;

Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility; or any other cause of so serious or compelling a nature that it affects an organization's present responsibility. In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other Federal agencies that may have an interest in our findings. A suspension may result in your debarment from receiving Federal funding government-wide for up to three years.

**Intergovernmental Review:**

Except if the applicant is an Indian tribal government seeking assistance authorized by 40 U.S.C. 5311 (c)(1), the applicant ensures that each application for Federal assistance it submits to DOS has been submitted for intergovernmental review to the appropriate State and local agencies as determined by the State. Specifically the applicant ensures that it has fulfilled or will fulfill the obligations imposed by DOS regulations.

**Disadvantaged Business Enterprise:**

In accordance with Executive Order 12432, Minority Business Enterprise Development DOS encourages the recipients to utilize minority business enterprises in the performance of the award. When contracting for any supplies, services, research, or construction under the award, the recipients must make their best efforts to solicit bids, proposals, or quotations from minority business enterprises.

A minority business enterprise is defined as a business that is at least 51 percent owned by one or more minority individuals, or in the case of any publicly owned business, at least 51 percent of the voting stock is owned by one or more minority individuals. The daily business operations are likewise managed by a minority owner. A minority individual is defined as a U.S. citizen who has been subjected to racial or ethnic prejudice or cultural bias because of his or her identity as a member of this group without regard to his or her individual qualities. Such groups include, but are not limited to: Black [African] Americans, Hispanic Americans, Native Americans, and Asian-Pacific Americans.

### **The Age Discrimination Act of 1975:**

The *Age Discrimination Act of 1975* provides that no person in the United States shall, *on the basis of age*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. (42 U.S.C. 6101 et seq.)

### **The Rehabilitation Act of 1973:**

The *Rehabilitation Act of 1973* provides that no otherwise qualified disabled individual in the United States, shall, *solely by reason of his/her disability*, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance. Under this regulation, a federally funded arts program when viewed in its entirety must be accessible to all persons. The National Endowment for the Arts issued its regulations in 1979 to enforce the existing law. Failure to comply with Section 504 can result in loss of federal funds.

For the purpose of Section 504, the term “disabled individual” means any person who (a) has a physical or mental impairment which substantially limits one or more of such person’s major life activities, (b) has a record of such impairment, or (c) is regarded as having such impairment.

### **The Drug-Free Workplace Act:**

The *Drug-Free Workplace Act* requires you to publish a statement about your drug-free workplace program. You must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.

### **The Hatch Act:**

The *Hatch Act* restricts the political activity of executive branch employees of the federal government, District of Columbia government and some [state and local employees](#) who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees ([5 U.S.C. §§ 7321-7326](#)) . (These amendments did not change the provisions that apply to state and local employees. [5 U.S.C. §§ 1501- 1508](#) .) Under the amendments most federal and D.C. employees are now permitted to take an active part in political management and political campaigns. [A small group of federal employees are subject to greater restrictions](#) and continue to be prohibited from engaging in partisan political management and partisan political campaigns.

### **Fair Labor Standards Act:**



The *Fair Labor Standards Act* states that all professional performers and related or supporting personnel employed on projects or productions which are financed in whole or in part under the grant shall receive not less than the minimum compensation as determined by the Secretary of Labor.

No part of any project or production which is financed in whole or in part under the grant will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production.

**Title VI of the Civil Rights Act of 1964**, as amended, provides that no person in the United States shall, *on the grounds of race, color or national origin*, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. Title VI also extends protection to persons with limited English proficiency.

Grants Management Forms may be found on the A/OPE/FA web page, on the Intranet, at: <http://aopefa.a.state.gov> , then click on Forms.

#### **8. Questions:**

Any questions regarding this directive may be directed to the Office of the Procurement Executive (A/OPE). Please refer to <http://aopefa.a.state.gov> for the appropriate contact information.

#### **9. Effective Date:**

This policy is October 1, 2009.

Corey M. Rindner, Procurement Executive

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